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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,064	12/09/2003	Zvi Or-Bach	38897-199163	2943
26694	7590	01/27/2006	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			QUACH, TUAN N	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/730,064	Applicant(s) OR-BACH ET AL	
	Examiner Tuan Quach	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 23 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

TY

Tuan Quach
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/05 has been entered.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3-5, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy taken with Sivilotti et al.

Regarding claims 1 and 18, Shenoy 5,994,766 teaches the logic array comprising repeating core and at least one of area of I/Os being configurable, e.g., Fig. 1, column 4 line 66 to column 5 line 11 wherein the I/O slots are arranged in linear arrays of cells or tiles and wherein the repeating core correspond to the one or more logic circuit and associated I/O. The use of the array as logic array would have been apparent for regarding the logic circuit encompassed and furthermore, note that the array being used as logic array corresponds to an intended use unpatentable over the prior art. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art – if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). The recitation of a new intended use for an old product does not make a claim to that old product patentable. *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)

Shenoy lacks primarily the recitation of the borderless array and the same metal in all the configuration.

Sivilotti et al., 6,316,334 B1 teaches the use of borderless arrays which can be cut to prevent substantial waste. See column 1 line 50 to column 2 line 24. It would have been obvious to one skilled in the art in practicing the Shenoy invention to have employed borderless array since such is conventional and advantageous to prevent substantial waste as suggested by Sivilotti et al. The use of a at least one metal which is the same for all I/O configuration would have been obvious, corresponding to the processing step as opposed to a structural difference; the use of the same metal layer would have been further obvious and advantageous wherein the

same metal layer can be patterned in the same step or using the same masking, as opposed to using different metal layer for different I/O. Such would have been further obvious as evident in Sivilotti et al., column 3 lines 53-62.

Regarding claims 3 and 16-17, Shenoy teaches a semiconductor device comprising a logic array 19/100, areas I/Os 26, redistribution layer 108 for redistributing at least some of said area I/Os. See column 4, line 1 to column 8, line 20. The configurable I/O in claim 17 is discussed as above regarding claims 1 and 18. Although Shenoy does not recite the borderless array, such would have been conventional and obvious as evidenced by Sivilotti et al. as delineated above. The arrangement of I/O cells in desired patterns and suitable spacing as in claims 4 and 5 is well within the purview of one skilled in the art and as evidenced by Shenoy above, and as such would have been obvious.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy taken with Sivilotti et al. as applied to claims 1, 3-5, 16-18 above, and further in view of the IBM TDB publication 6/86, Vol. 29, No. 1, pp. 88-94 (Multi-function FET I/O Masterslice cell) and Cox.

Regarding claims 6-8, the use of at least two metal layers for the repeating pattern would have been obvious since Shenoy further shows at least one pad 52 used to connect the semiconductor device to other devices overlays at least a portion of the logic array or a portion of area I/Os, column 7, lines 64-66 and as evidenced by the IBMTDB article, Fig. 3, and the associated disclosure wherein at least one metal layer M(1), and including two metal layers M(1) and M(2) can be employed for all I/O

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configurations. Such would have been further obvious as evidenced by Cox 6,693,454 which teaches customization using via layer masks wherein at least some of the plurality of the metal layers are customized and used to configure the device for specific application, thereby permitting the same metal layers being employed. See column 2 lines 2-41, line 60 to column 6 line 56, particularly column 6 lines 28-36, lines 50-56.

Claims 9-10, 11-12 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy taken with Sivilotti et al. and the IBM TDB article or Cox as applied to claims 6-8 above and further in view of Hively.

The references are applied as above including the repeating I/O cells in claims 11 and 12 are delineated above, including in Shenoy and as evidenced in Sivilotti et al., Fig. 3, 8, column 3 line 2 to column 4 line 3. The references as applied above do not recite the customized layers as in claims 9-12 and/or connections using customized via layers as in claims 13-15.

Additionally, Hively et al. (5,514,884) teaches the provision of customized layers to achieve advantages including avoidance of blocks of circuitry, defective control logic, defective bus line, and to select the organization of the final structure. See column 3 lines 25 to column 4 line 50, particularly column 3 lines 51 to column 4 line 11.

Cox 6,693,454 is applied as above and teaches customization using via layer masks wherein at least some of the plurality of the metal layers are customized and used to configure the device for specific application. See column 2 lines 2-41, line 60 to column 6 line 56, particularly column 6 lines 28-36, lines 50-56.

It would have been obvious to one skilled in the art to have employed in the invention above to have employing additional custom layers since such is conventional and advantageous as evidenced by Hively et al. or Cox to obtain the desired applications.

Regarding claims 13-15, the I/O cells comprising at least two electronic components and multiple possible connections therebetween would have been obvious and conventional as shown in Shenoy, Fig. 1, column 4 line 66 to column 5 line 11 wherein the electronic components and interconnections therein are taught, e.g., column 5 line 11, and additionally, such multiple components and connections therebetween would have been conventional and obvious as taught by Hively et al., portions delineated above, including column 4 lines 11-50, the abstract, wherein the desired electrical connections can be made by the customized via layers after all active and conductive layers have been manufactured. The connections using customized via layers would have been further conventional and obvious as taught by Cox, wherein electrical components and desired connections therebetween are also shown, see e.g., the portions delineated above, column 2 lines 2-40 wherein the use of custom via layer for connections would have been apparent, e.g., column 2 lines 20-26.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shenoy taken with Sivilotti et al. as applied to claims 1, 3-5, 16-18 above, and further in view of Hively and Cox.

The references are applied as above including the repeating I/O cells in claims 11 and 12 are delineated above, including in Shenoy and as evidenced in Sivilotti et al.,

Fig. 3, 8, column 3 line 2 to column 4 line 3. The references as applied above do not recite the customized layers and connections using customized via layers.

Hively et al. (5,514,884) teaches the provision of customized layers to achieve advantages including avoidance of blocks of circuitry, defective control logic, defective bus line, and to select the organization of the final structure. See column 3 lines 25 to column 4 line 50, particularly column 3 lines 51 to column 4 line 11.

Cox (6,693,454) is applied as above and teaches customization using via layer masks wherein at least some of the plurality of the metal layers are customized and used to configure the device for specific application. See column 2 lines 2-41, line 60 to column 6 line 56, particularly column 6 lines 28-36, lines 50-56.

It would have been obvious to one skilled in the art to have employed in the invention above to have employing additional custom layers since such is conventional and advantageous as evidenced by Hively et al. or Cox to obtain the desired applications.

The I/O cells comprising at least two electronic components and multiple possible connections therebetween would have been obvious and conventional as shown in Shenoy, Fig. 1, column 4 line 66 to column 5 line 11 wherein the electronic components and interconnections therein are taught, e.g., column 5 line 11, and additionally, such multiple components and connections therebetween would have been conventional and obvious as taught by Hively et al., portions delineated above, including column 4 lines 4 lines 11-50, the abstract, wherein the desired electrical connections can be made by the customized via layers after all active and conductive layers have been

manufactured. The connections using customized via layers would have been further conventional and obvious as taught by Cox, wherein electrical components and desired connections therebetween are also shown, see e.g., the portions delineated above, column 2 lines 2-40 wherein the use of custom via layer for connections would have been apparent, e.g., column 2 lines 20-26.

Applicant's arguments filed November 16, 2005 have been fully considered but they are not persuasive.

Applicant argues that Shenoy does not teach a logic array. However, Shenoy teaches the I/O slots are arranged in linear arrays of cells or tiles and wherein the repeating core correspond to the one or more logic circuit and associated I/O. The use of the array as logic array would have been apparent for regarding the logic circuit encompassed and furthermore, note that the array being used as logic array corresponds to an intended use unpatentable over the prior art. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art – if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte Masham*, 2 USPQ2d 1647 (1987). The recitation of a new intended use for an old product does not make a claim to that old product patentable. *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)

Applicant argues that configurable I/O are not taught by Shenoy or Sivilotti et al. These references nonetheless does not preclude such configurable I/O; applicant has not pointed out patentable difference between the respective I/O. The intended use of such I/O to be configured would not distinguish the claimed features from the prior art –

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if the prior art has the capability so perform. See MPEP 2114 and *Ex parte Marsham*, 2 USPQ2d 1647 (1987). The recitation of a new intended use for an old product does not make a claim to that old product patentable. *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997). To the extent that such I/O would require the customized via layers to provide the configuration, such use of customized via layers would have been further conventional and obvious as amply evidenced by Hively et al. and Cox as applied above, evidencing the conventionality and advantages of customization to configure the device for specific applications.

Applicant further argues that the prior art does not show a repeating module. Nonetheless, this does not take into account the logic cells and I/O cells shown in Shenoy, e.g., the portions delineated above, including column 4 line 66 to column 5 line 5. See additionally the teachings in Sivilotti above, particularly column 1 line 66 to column 2 line 14 wherein the repetition of arrays is readily apparent on the wafer of a bordeless array which composed of micro arrays or blocks including portions thereof for input/output connections.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown et al. 6,075,711 is made of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tuan Quach whose telephone number is 571-272-1717. The examiner can normally be reached on M-F from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Nathan Flynn, can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tuan Quach
Primary Examiner